

Remarks

Applicants have cancelled claims 1- 48 without prejudice to their rights to pursue the subject matter of these claims in other applications. Applicants have added new claims 49 to 57 which redirect the subject matter of the invention towards a single selected gene to diagnose osteoarthritis. As discussed with the Examiner, Applicants have thus shifted the current invention from the disease hyperlipidemia to osteoarthritis. Applicants believe that the newly added claims are examinable without further restriction. Applicants thus respectfully request the Examiner accept the newly amended claims.

Applicant's have also amended the title of the pending application to more accurately reflect the subject matter of the newly amended claims.

In response to the Restriction Requirement dated September 25, 2006, Applicants elect **Group I** and have elected a single combination of "one or more" markers from the table relevant to the detection of osteoarthritis, namely Table 3O.

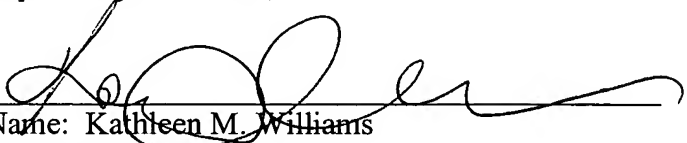
As noted, the Applicant has elected the selection of the biomarker desmuslin (DMN) which is found in Table 3O.

Claims 49- 57 are pending. Support for the newly added claims is found through the specification and in the originally filed claims. In particular, support for the gene desmuslin (DMN) is noted in Table 3O under the RNA accession number NM_145728 with a p value of 4.14×10^{-4} . Further support is found in Example 24 and in Figure 22. No new matter has been added.

A petition for extension of time is attached. However, should any fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 04-1105, Reference No. 204231/2055I.

Respectfully submitted,

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